

England. — Laws and Statutes.

VII

Anno Regni 1474

b 4

# GEORGII II.

REGIS

Magnæ Britanniae, Franciae, & Hiberniae,

DECIMO NONO.

At the Parliament begun and holden at Westminister, the First Day of December, Anno Dom. 1741, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

And from thence continued by several Prorogations to the Seventeenth Day of October 1745, being the Fifth Session of this present Parliament.



EDINBURGH;

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His MAJESTY's Printer. M.DCC.XLVI.



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Anno decimo nono

## GEORGII II. Regis.

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*An Act more effectually to prohibit and prevent Pastors or Ministers from officiating in Episcopal Meeting-houses in Scotland, without duly qualifying themselves according to Law; and to punish Persons for resorting to any Meeting-houses where such unqualified Pastors or Ministers shall officiate.*

**W**HEREAS it is noted, Preamble  
rious, that for many  
Years last past, dur-  
ing the Reign of His present  
Majesty, and of His late Ma-  
jesty King George the First, a  
great Number of Meeting-  
A 2 houses.

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houses have been set up and maintained in the City of *Edinburgh*, and other Parts of *Scotland*, by Persons professing to be of the Episcopal Communion, whereof the Pastors or Ministers have never taken the Oaths to His Majesty, or His Royal Father ; nor ever did, in express Words, during the Exercise of Divine Service, pray for His Majesty, and the Royal Family ; by Means whereof, those illegal Meetings have greatly contributed to excite and foment a Spirit of Disaffection amongst Numbers of Persons in that Part of the Kingdom, against His Majesty's Person and Government ; which hath been one of the Causes of the wicked and unnatural Rebellion, lately raised and carried on against His Majesty, in Favour of a Popish Pretender : And whereas the Abuse of so much Lenity and Forbearance, as has been

been hitherto shewn under the gracious and mild Government of His Majesty, and His Royal Father, towards such Nonjuring Episcopal Ministers, makes it absolutely necessary, that the Laws in Force concerning them be more punctually executed, and that some further Provision be made, to prevent the Continuance of so great a Mischief; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Sheriff, &c. the Sheriffs of Shires, Stewards to enquire into the Number of of Stewartries in *Scotland*, and their Deputies, and the Magistrates of Royal Boroughs, shall, and they are hereby authorized and strictly required, with all convenient Speed, on or before the First Day of *November*, in

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the Year of our Lord One thousand seven hundred and forty six, to enquire, by Examination of Witnesses upon Oath, or other credible Information, into the Number and Situation of the Episcopal Meeting-houses within their respective Jurisdictions, and shall cause Lists to be made of the same, and to be entered and inserted in a Book which shall be provided and kept for that Purpose, by the Clerks belonging to their Jurisdictions respectively, and shall forthwith transmit true Copies thereof to the Clerk of each House of Parliament, to be laid before the said Houses respectively at their next Meeting.

Lists to be  
made and en-  
tered.

Copies to be  
transmitted to  
the Clerk of  
each House of  
Parliament.

Pastors to pro-  
duce Certifi-  
cates of their  
being qualified  
by Law.

And be it further enacted by the Authority aforesaid, That every Person who now is Pastor or Minister of any Episcopal Congregation in *Scotland*, shall, and he is hereby required, on or before the First Day of *September*,

in

in the Year of our Lord One thousand seven hundred and forty six, to produce to the Clerk of the Shire, Stewartry, or Borough where his Meeting-House is situated, a Certificate from the proper Officer, of his having qualified himself by taking the Oaths to His Majesty appointed by Law, of which Certificate the Clerk shall forthwith make Clerk to enter  
the same. an Entry in the said Book appointed for keeping a List or Register of the Meeting-Houses within that Jurisdiction; which Contents of the  
Entry. Entry shall express the Name of the Minister whom the Certificate concerns, and the Situation and Description of the Meeting-House where he officiates as Minister or Pastor; Copies of Copies to be  
transmitted. which Entries shall likewise be transmitted by the said Clerk, to the Clerk of each House of Parliament, for the Purpose aforesaid; and the said Clerk of such Shire, Stewartry, or Borough, shall

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Attest'd Co-  
pies to be af-  
fixed on the  
Meeting-  
house.

Fee for the Co-  
pies.

Ministers to  
pray for the  
King, &c. by  
Name, as di-  
rected in the  
Liturgy.

shall likewise deliver two attest'd Copies of such Certificate to such Pastor or Minister, One of them to be by him fixed on the Outside of the Meeting-House where he shall officiate, on or near the Door thereof, and the other in some conspicuous Place within such Meeting-House; for each of which last mentioned Copies, the Sum of Six Pence *Sterling* shall be paid, and no more.

And be it further enacted by the Authority aforesaid, That every Pastor or Minister, who shall, at any Time after the said First Day of *September*, officiate in any Episcopal Meeting-House or Congregation, shall, as often as he shall so officiate, at some Time during the Exercise of Divine Service in such Episcopal Meeting-House or Congregation, pray for the King's most Excellent Majesty, His Heirs, or Successors, by Name, and for all the Royal Family,

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mily, in the same Form of Words, as His Majesty, His Heirs, or Successors, and the Royal Family, are or shall be directed by lawful Authority to be prayed for in the Prayers for the Royal Family, contained in the Liturgy of the Church of *England*.

And be it further enacted, Pastors not producing Certificates of their Qualification, &c. their Meeting-houses to be shut up. That the said Sheriffs, Stewards, and their Deputies, and Magistrates of Boroughs, shall be obliged, and they are hereby strictly enjoined and required, immediately after the said First Day of *November*, forthwith to shut up, or cause to be shut up, the Doors of the Meeting-Houses, or other Places where such Episcopal Assemblies or Meetings have been or shall be held, whereof the Pastor or Minister shall not have produced to their Clerks respectively the Certificate of his having been qualified as aforesaid, or wherein His Majesty, His Heirs, or Successors,

Proprietor,  
&c. to give  
100*l.* Security  
before admit-  
ted to Access,  
&c.

To Anno Regni decimi nono  
cessors, and the Royal Family  
shall not be prayed for in express  
Words, in the Manner before  
directed ; and shall not again  
give Access to the said Houses,  
or other Places of Meeting, un-  
til the Proprietor, Tenant or  
Possessor thereof shall enact him-  
self, with One or more suffi-  
cient Sureties, in the Court Books  
of the said Sheriff, Steward, or  
Royal Borough, under the Pe-  
nalty of One hundred Pounds  
*Sterling* Money, to be paid to  
the said Judges or Magistrates,  
for the Use of His Majesty,  
that he or she shall not permit  
or suffer such House or Place to  
be employed or made use of as  
an Episcopal Meeting-House, by  
any Pastor or Minister not qua-  
lifying himself as aforesaid, and  
comforming to the Regulations  
before mentioned, at any Time  
thereafter, during such Time as  
he or she shall continue Propri-  
etor, Tenant, or Possessor thereof.

And

And be it further enacted, Pastors unqualified, &c. officiating in Episcopal Meeting-houses, &c. That if any Person shall, from and after the said First Day of September, presume to enter upon, or exercise the Function of a Pastor or Minister of any Episcopal Meeting or Congregation in *Scotland*, without having first caused his Letters of Orders to be entered on Record, or registered, or without having first qualified himself by taking and subscribing the Oaths, in such Manner as all Officers, civil and military, in *Scotland*, are by Law obliged to take and subscribe the same, or without having first produced, and caused to be entered, in the Manner herein before directed, in the Books to be kept by the Clerk of the Sheriff, Steward, or Borough Courts respectively where such Person proposes to officiate as a Pastor or Minister, his Name and Place of Abode, and the Place where his Meeting is to be held, and

**The Penalty.**

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and the Certificate of his having  
taken and subscribed the Oaths as  
aforesaid ; or in case any Person  
who shall officiate as a Pastor or  
Minister in any such Episcopal  
Meeting-house or Congregati-  
on, shall not, as often as he shall  
so officiate, at some Time dur-  
ing Divine Service, pray for  
His Majesty by Name, His  
Heirs, or Successors, and all the  
Royal Family, in the Manner  
herein before directed, every  
Person so offending in any of  
the Premisses, being thereof  
lawfully convicted before any  
Two or more Justices of the  
Peace, or before any Judge com-  
petent of the Place summarily,  
shall, for the First Offence, suf-  
fer Imprisonment by the Space  
of Six Months ; and for the Se-  
cond, or any subsequent Of-  
fence, being thereof lawfully  
convicted before the Court of  
Justiciary, or in any of the Cir-  
cuit Courts, shall be adjudged

to

to be transported and shall accordingly be transported to some of His Majesty's Plantations in *America* for Life; and in case any Person adjudged to be so transported shall return into, or be found in *Great Britain*, then every such Person shall suffer Imprisonment for Life.

And for the better ascertaining what shall be deemed an Episcopal Meeting-house within the true Intent and Meaning of this Act, and to prevent Evasions thereof, be it further enacted and declared, That any Meeting, Assembly, or Congregation in *Scotland*, where there shall be Five Persons or more assembled or met together to hear Divine Service, over and besides those of the Household, if it be in any House where there is a Family inhabiting, or if it be in an House or Place where there is no Family inhabiting, then where any such Five or

Description of  
an Episcopal  
Meeting-  
house.

B more

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more Persons shall be so assem-  
bled and met together to hear  
Divine Service, and where Di-  
vine Service shall be performed  
by a Pastor or Minister, being  
of, or professing to be of the  
Episcopal Communion, every  
such Meeting, Assembly, or  
Congregation, shall be deemed  
and taken to be an Episcopal  
Meeting-house within the true  
Intent and Meaning of this Act.

Sheriffs, &c.  
to make En-  
quiry of Of-  
fences against  
this Act, and  
to prosecute the  
same, &c.

And be it further enacted by  
the Authority aforesaid, That  
the said Sheriffs and Stewards,  
and their Deputies, and the Ma-  
gistrates of Royal Boroughs,  
shall be obliged, and are here-  
by strictly enjoined and required  
hereafter, from time to time, to  
make diligent Enquiry within  
their respective Jurisdictions,  
concerning any Offences that  
shall be committed against this  
Act, or the other Laws now in  
being, concerning the Pastors  
or Ministers officiating in any  
Episcopal

Episcopal Meeting-house in Scotland; and whenever they shall find that any Meeting-house, within their Jurisdiction, hath been set up or maintained without such Entry being made as aforesaid, or that the Pastor or Minister officiating in any Episcopal Meeting-house hath been guilty of neglecting to pray, in express Words, for His Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the Manner herein before directed, they are hereby authorized and required to cause such Offences to be prosecuted before them, and to shut up, or otherwise suppress such Meeting-houses, and to inflict the Penalties imposed by this or any other Acts against the Ministers or Pastors officiating therein in such Manner as is not allowed by Law: And in case any Information shall be given to the said Sheriffs, Stew-

Informations,  
and Cases of  
Transportation  
or Imprison-  
ment for Life,

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ards, or their Deputies, or to  
the Magistrates of Royal Bo-  
roughs ; or if it shall appear to  
any of them, upon such Enqui-  
ry as aforesaid, that any Offence  
has been committed against this  
Act, for which the Penalty of  
Transportation, or Imprison-  
ment for Life, is hereby infli-  
cted, then such Sheriff, Stew-  
ard, his Deputy, or other Ma-  
gistrate, shall cause Intimation  
to be made thereof in Writing,  
to His Majesty's Advocate for  
*Scotland*, who is hereby required  
to prosecute the same with Effect.

And be it further enacted by  
the Authority aforesaid, That  
if any Person, at any Time af-  
ter the said First Day of Sep-  
tember, shall resort to, or fre-  
quent any Episcopal Meeting-  
house or Congregation in *Scot-*  
*land*, whereof the Pastor's or  
Minister's Letters of Orders  
shall not be entered on Record,  
or registered as aforesaid, or  
whereof

to be intimated  
to the King's  
Advocate.

Persons resort-  
ing to unre-  
gister'd Meet-  
ing houses, &c.

whereof a Certificate of the Pastor or Minister's having taken the Oaths, and his Name and Place of Abode, and also the Place where his Meeting is to be held, shall not be entered according to the Directions of this Act, or where the Pastor or Minister shall not pray, in express Words, for his Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the Manner before directed, every Person so offending, who shall not, within the Space of Five Days, give Information of such illegal Meeting and not giving Information; to some proper Magistrate, such Person so offending, and being thereof lawfully convicted before any Two or more of His Majesty's Justices of the Peace, or before any other Judge competent of the Place summarily, shall, for the First Offence, forfeit the Sum of Five Pounds the Penalty, *Sterling Money*; One Moiety

B 3. thereof

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thereof to the Use of His Ma-  
jesty, His Heirs, or Successors;  
and the Other Moiety to the Use  
of such Person who shall give  
Information of the said Offence;  
and suffer Imprisonment by the  
Space of Six Months, unless or  
until the same be paid; and for  
the Second, or any subsequent  
Offence, being thereof lawfully  
convicted before the Court  
of Justiciary, or in any of the  
Circuit Courts, shall suffer Im-  
prisonment for the Space of  
Two Years from the Date of  
such Conviction.

Letters of Or-  
ders.

And be it enacted by the Au-  
thority aforesaid, That from and  
after the said First Day of *Sep-  
tember*, no Letters of Orders of  
any Pastor or Minister of any  
Episcopal Meeting or Congrega-  
tion in *Scotland*, shall be deem-  
ed sufficient, or be admitted to  
be registered, but such as have  
been given by some Bishop of  
the Church of *England*, or of  
*Ireland*;

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Ireland; and in case any Letters of Orders, other than such as are before described, shall be registered, such Registration shall be deemed null and void to all Intents and Purposes.

Provided always, That every Prosecution for any Offence committed against this Act, shall be commenced within the Space of Twelve Months after such Offence committed, and not afterwards.

And whereas it is just and necessary to provide, that those who give Reason to suspect their being disaffected to his Majesty's Person and Government, and the present happy Establishment, by their frequenting or resorting to such illegal Meeting-houses, where his Majesty is not prayed for in express Words, should be restrained from the Power of hurting that Establishment to which they shew.

Peers present  
at unregister'd  
Meeting-  
houses, &c.  
disqualified  
from vo'ing, or  
being elected.

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shew such Disaffection; be it  
therefore further enacted by the  
Authority aforesaid, That from  
and after the said First Day of  
*September*, no Peer of *Scotland*  
shall be capable of being elec-  
ted One of the Sixteen Peers,  
to sit and vote in the House of  
Peers in the Parliament of *Great*  
*Britain*, or of voting in the E-  
lection of any of the said Sixteen  
Peers, who shall have, at any  
Time within One Year prece-  
ding such Election, been Twice  
present at Divine Service in any  
Episcopal Meeting or Congre-  
gation in *Scotland*, not held and

*Act 10. Anno:* allowed in pursuance of an *Act*  
made in the Tenth Year of the  
Reign of Queen *Anne*, intitul-  
led, *An Act to prevent the dis-  
turbance of the Episcopal  
Communion, in that Part of  
Great Britain called Scotland,  
in the Exercise of their Reli-  
gious Worship, and in the Use of  
the Liturgy of the Church of*  
*Eng-*

England; and for repealing the  
Act passed in the Parliament of  
Scotland, intituled, *Act against*  
*irregular Baptisms and Mar-*  
*riages*; or which shall not, af-  
ter the said First Day of Sep-  
tember, be registered according  
to the Directions of this Act;  
or where the Pastor or Minister  
officiating did not, in express  
Words, pray for his Majesty,  
His Heirs, or Successors, by  
Name, and for all the Royal  
Family; and it shall be com-  
petent for any Peer of *Scotland*,  
present at the Election of the  
faid Sixteen Peers, or of any of  
them, to make this Objection,  
and to prove the same by a Wit- Proof.  
ness or Witnesses upon Oath,  
or by referring it to the Oath of  
the Peer so objected to; which  
Oath the Lord Clerk Register, Oath by  
or either of the Two Clerks of whom to be  
administer'd.  
Session, appointed by him to  
officiate in his Name at such  
Election of Sixteen Peers, or  
of

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of any of them, is hereby im-  
powered to administer; and in  
case the same shall be proved,  
or the Peer so objected to shall  
admit the Fact, or refuse to de-  
pose concerning it, he shall be  
and is hereby disqualified from,  
and rendered incapable of vot-  
ing, or being chosen at any  
such Election as aforesaid; but  
such Admission, or Confessi-  
on upon Oath, or otherwise so  
made at such Meeting, assem-  
bled for any such Election, shall  
not be made use of, or given in  
Evidence against any such Peer,  
upon any Prosecution for any  
Penalty inflicted by this or any  
former Act of Parliament.

And be it further enacted by  
the Authority aforesaid, That  
from and after the said First  
Day of September, no Person  
shall be capable of being elec-  
ted, or of voting in any Electi-  
on of a Member of Parliament  
for any Shire or Borough, in  
that

Admission not  
to be Evidence  
upon Prosecu-  
tion for Pe-  
nalties.

Persons pre-  
sent at unre-  
gister'd Meet-  
ing-houses,  
&c. disquali-  
fied from vot-  
ing, or being  
elected.

that Part of *Great Britain* called *Scotland*, or of being elected, or voting in the Election of a Magistrate or Counsellor for Boroughs, or of a Deacon of Crafts within Burgh, or of a Collector or Clerk of the Land Tax or Supply, who shall have at any Time within One Year preceding such Election, been Twice present at Divine Service, in any Episcopal Meeting or Congregation in *Scotland*, not held and allowed in pursuance of the said Act made in *Act 10. Anne.* the Tenth Year of the Reign of Queen *Anne*, or which shall not, after the said First Day of *September*, be registered according to the Directions of this Act, or where the Pastor or Minister officiating did not, in express Words, pray for His Majesty, His Heirs, or Successors, by Name, and for all the Royal Family; and it shall be competent for any Candidate or

Mem-

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Member of the Meeting, assembled for any such Election, to make this Objection, and to prove the same by a Witness or Witnesses, upon Oath, or by referring it to the Oath of the Person objected to, which Oath the Preses or Clerk of such Meeting is hereby empowered to administer; and in case the same shall be proved, or the Person so objected to shall admit the Fact, or refuse to depose concerning it, he shall be, and is hereby disqualified from, and rendered incapable of voting, or being chosen at any such Election as aforesaid; but such Admision, or Confession upon Oath, or otherwise so made at such Meeting, assembled for any such Election, shall not be made use of, or given in Evidence against any such Person, upon any Prosecution, for any Penalty inflicted by this or any former Act of Parliament.

And

Proof.

Oath by whom  
to be admini-  
ster'd.

Admision not  
to be Evidence  
upon Prosecu-  
tion for Penal-  
ties.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the said First Day of *September*, either Peers, or Commoners, who have, or shall have any Office or Offices, civil or military, in that Part of *Great Britain* called *Scotland*, shall resort to, or frequent an Episcopal Meeting-house or Congregation in *Scotland*, whereof the Pastor's or Minister's Letters of Orders shall not be entered on Record, or registrate as aforesaid, or whereof a Certificate of the Pastor or Minister's having taken the Oaths, and his Name or Place of Abode, and also the Place where his Meeting is to be held, shall not be entered according to the Directions of this Act; and where the Pastor or Minister shall not pray, in express Words, for His Majesty, His Heirs, or Successors, by Name, and all the Royal Family, in the

C Manner

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Manner before directed, every Person so offending, being thereof lawfully convicted before any Two or more of his Majesty's Justices of the Peace, or before any other Judge competent of the Place, shall be disabled from thenceforth to hold such Office or Offices, and shall forfeit the same; and shall be adjudged incapable to bear any Office, civil or military, in that Part of *Great Britain* called *Scotland*, for the Space of One Year from and after the Date of such Conviction.

And be it enacted by the Authority aforesaid, That in case any of the said Judges, or Magistrates, shall be guilty of any wilful Neglect or Omission of their Duty in the Premisses, they shall forfeit the Sum of Fifty Pound Sterling, *toties quoties*; one Moiety thereof to the Informer, the other to be disposed of for the Use of the Poor of the

the Penalty.

Judges, &c.  
not doing their  
Duty in the  
Premisses,

the Penalty.

the Parish where the Offender shall be resident for the Time being, to be recovered by summary Complaint before the Court of Session, or by Prosecution before the Court of Justiciary at *Edinburgh*, or at the Circuit Courts of Justiciary.

*F I N I S.*



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